

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ELIA ALVERIO BAEZ
Debtor(s)

CASE NUMBER: 08-05590 ESL
CHAPTER 13

MOTION SUBMITTING MODIFIED PLAN PURSUANT TO 11 USC §1329
AND CERTIFICATE OF SERVICE

TO THE HONORABLE COURT:

Debtor, through the undersigned counsel, respectfully states and prays:

1. Debtor is submitting a modified plan dated June 10, 2010, attached herein.
2. The modification is necessary in order to adjust her plan payment schedule, as she and her spouse incurred in mortgage arrears because of her spouse's loss of income. The plan provides for payment of post petition arrears to Doral Bank and will be funded from current income as her spouse is now receiving unemployment benefits and she has commenced working since May, 2010. An amended budget is being filed on this same date in support of the modification. This is the most efficient way by means of which debtor will be able to cure the post petition arrearage..
3. Debtor may comply with the proposed modified plan, and the proposed modified plan complies with all the requisites of 11 U.S.C. §1325.

WHEREFORE, debtor respectfully prays that the Modified Plan dated June 10, 2010 be approved.

PARTIES IN INTEREST ARE NOTIFIED THAT THEY HAVE TWENTY(20) DAYS TO OBJECT IN WRITING TO THE PROPOSED MODIFICATION OF THE PLAN. THE PLAN MAY BE CONFIRMED WITHOUT A HEARING IF NO OBJECTION IS TIMELY FILED FRBP 2002 (a)(5). P.R. LBR 3015-2 (f)(2)(B) and (g)

Respectfully submitted in San Juan, Puerto Rico, this June 10, 2010.

CERTIFICATE OF SERVICE: I hereby certify that on June 10, 2010 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all registered parties, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: per attached master address list.

/s/ Teresa M. Lube Capo
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**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **08-05590**

ALVERIO BAEZ, ELIA E

Debtor(s)

Chapter **13**

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input checked="" type="checkbox"/> AMENDED PLAN DATED: 6/10/2010	
<input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
I. PAYMENT PLAN SCHEDULE \$ <u>207.00</u> x <u>12</u> = \$ <u>2,484.00</u> \$ <u>0.00</u> x <u>8</u> = \$ <u>0.00</u> \$ <u>207.00</u> x <u>4</u> = \$ <u>828.00</u> \$ <u>312.00</u> x <u>36</u> = \$ <u>11,232.00</u> \$ _____ x _____ = \$ _____ TOTAL: \$ <u>14,544.00</u> Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from: <input type="checkbox"/> Sale of Property identified as follows: _____ _____ <input type="checkbox"/> Other: _____ _____ Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____ PROPOSED BASE: \$ <u>14,544.00</u> III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,500.00</u> Signed: <u>/s/ ELIA E ALVERIO BAEZ</u> Debtor _____ Joint Debtor	II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>DORAL BANK</u> Cr. <u>DORAL BANK</u> Cr. <u>RELIABLE FINANCI/</u> # <u>CL 3 50034685</u> # _____ # <u>CL 2 447-628510</u> \$ <u>4,502.34</u> \$ <u>4,100.00</u> \$ <u>1,170.00</u> 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>DORAL BANK</u> <u>RELIABLE FINANCI/</u> C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) -ATTORNEY'S FEES WILL BE PAID AHEAD OF SECURED CREDITORS PER 11 USC 330. - FAILURE TO TIMELY OBJECT TO THIS PLAN BY A CREDITOR CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT 11 USC 1325 (a)(5). ADDITIONAL ATTORNEY'S FEES OF \$350.00 ARE BEINREQUESTED FOR POST CONFIRMATION WORK RELATED TO THIS MODIFICATION TO BE PAID THROUGH TRUSTEE AS PER GENERAL ORDER 03-01

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